
HOUSE BILL No. 1364

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11.

Synopsis: Various election law changes. Changes the maximum size of a precinct from 1,200 active voters to 2,000 active voters, with certain exceptions. Provides that a county election board may establish the number of voters a precinct may contain that permits the precinct to have its polls located at the same location as another precinct. Changes the application deadline for voting an absentee ballot before a traveling board from noon the day before election day to 8 a.m. the day before election day. Provides that an absentee traveling board may not visit a voter later than noon on the day before election day. Makes conforming changes.

Effective: July 1, 2002.

Richardson, Mahern

January 15, 2002, read first time and referred to Committee on Elections and Apportionment.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1364

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-11-1.5-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Except as
3 provided in:

- 4 (1) subsection (b);
5 (2) subsection (c);
6 (3) section 3.2 of this chapter; or
7 (4) section 3.5 of this chapter;

8 a county executive shall establish precincts so that a precinct contains
9 ~~no not more than one two thousand two hundred (1,200)~~ **(2,000)** active
10 voters.

11 (b) This subsection applies to a precinct that includes:

- 12 (1) an entire township, but does not cross a township boundary in
13 violation of section 4 of this chapter;
14 (2) an entire city legislative body district, but does not cross the
15 boundary of a city legislative body district;
16 (3) an entire town legislative body district, but does not cross the
17 boundary of a town legislative body district; or

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(4) one (1) residential structure containing more than ~~one two~~ thousand ~~two hundred (1,200)~~ **(2,000)** active voters and no other residential structure containing voters.

In changing precincts or establishing new precincts, a county executive shall arrange a precinct so that it will contain ~~no not~~ more than ~~one two~~ thousand five hundred ~~(1,500)~~ **(2,500)** active voters.

(c) A county executive is not required to establish precincts so that a precinct contains not more than ~~one two~~ thousand ~~two hundred (1,200)~~ **(2,000)** active voters if the precinct:

- (1) was established by the county executive in compliance with subsection (a) within the preceding forty-eight (48) months; and
- (2) contains not more than ~~one two~~ thousand ~~four three~~ hundred ~~(1,400)~~ **(2,300)** active voters.

SECTION 2. IC 3-11-4-3, AS AMENDED BY P.L.176-1999, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Except as provided in subsection (b) and sections 6 and 8 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than ninety (90) days before election day nor later than the following:

- (1) Noon on the day before election day if the voter completes the application in the office of the circuit court clerk.
- (2) ~~Noon~~ **8 a.m.** on the day before election day if:
 - (A) the application is a mailed or hand delivered application from a confined voter or voter caring for a confined person; and
 - (B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board.
- (3) Midnight on the eighth day before election day if the application:
 - (A) is a mailed application; or
 - (B) was transmitted by a facsimile (FAX) machine; from other voters.

(b) This subsection applies to an absentee ballot application from a confined voter or voter caring for a confined person that is sent by facsimile (fax) transmission, mailed, or hand delivered to the circuit court clerk of a county having a consolidated city. An application subject to this subsection that is sent by facsimile (fax) transmission or hand delivered must be received by the circuit court clerk not earlier than ninety (90) days before election day nor later than 10 p.m. on the fifth day before election day. An application subject to this subsection

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that is mailed must be received by the circuit court clerk not earlier than ninety (90) days before election day and not later than 10 p.m. on the eighth day before election day.

SECTION 3. IC 3-11-8-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.3. If a precinct contains ~~less fewer~~ than ~~two hundred fifty (250)~~ **the number of** active voters **determined by the county election board**, the county executive may locate the polls for the precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct.

SECTION 4. IC 3-11-10-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 25. (a) Voters who are entitled to vote by absentee ballot because of:

(1) illness or injury; or

(2) caring for a confined person at a private residence; under IC 3-11-4-1 and who are within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day, **but not later than noon on the day before election day**; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a

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- 1 voter who is confined due to illness or injury and will be outside of the
- 2 county on election day in accordance with the procedures set forth in
- 3 subsection (b).

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